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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

LAWRENCE L. DUSKIN, individually, and also  
doing business as HollywoodColorContacts.com,  
WorldColorContacts.com, and  
TopModelContacts.com,

Defendant.

Case No. 1:18-cv-7359

**COMPLAINT FOR CIVIL PENALTIES,  
PERMANENT INJUNCTION, AND  
OTHER EQUITABLE RELIEF**

Plaintiff, the United States of America, acting upon notification and on behalf of the Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges that:

1. Plaintiff brings this action under Sections 9(a) and 9(b) of the Fairness to Contact Lens

## COMPLAINT FOR CIVIL PENALTIES

1 Consumers Act (“FCLCA”), 15 U.S.C. §§ 7608(a) and (b), and Sections 5(a)(1), 5(m)(1)(A), 13(b),  
2 16(a)(1), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1),  
3 45(m)(1)(A), 53(b), 56(a)(1), and 57b, to obtain monetary civil penalties, a permanent injunction, and  
4 other equitable relief for Defendant’s violations of the Contact Lens Rule (“Rule”), 16 C.F.R. Part 315.  
5

## **JURISDICTION AND VENUE**

6  
7 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345,  
8 and 1355, and under 15 U.S.C. §§ 45(a) and (m)(1)(A), 53(b), 56(a), and 7608(a).

9  
10 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b), (c) and 1395(a), and 15  
U.S.C. § 53(b).

## **INTRADISTRICT ASSIGNMENT**

11  
12 4. The conduct at issue in this action took place in substantial part in Lake County.

## **DEFINITIONS**

13  
14 5. For purposes of this Complaint, the terms “contact lens,” “contact lens prescription,”  
15 “direct communication,” and “prescriber” are defined as those terms are defined in Section 315.2 of the  
16 Rule, 16 C.F.R. § 315.2.

## **THE CONTACT LENS RULE**

17  
18 6. Congress enacted the FCLCA, 15 U.S.C. §§ 7601-7610, in 2003. The FCLCA directed  
19 the FTC to promulgate a trade regulation rule implementing the FCLCA. The Commission promulgated  
20 the Rule, 16 C.F.R. Part 315, on July 2, 2004, pursuant to Section 8 of the FCLCA, 15 U.S.C. § 7607,  
21 and Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. The Rule went into effect on  
22 August 2, 2004.

23  
24 7. On November 9, 2005, Congress amended the Federal Food, Drug, and Cosmetic Act, 21  
25 U.S.C. §§ 301-399, to state that all contact lenses, including non-corrective, decorative (“plano”) contact  
26 lenses, are medical devices that require a prescription. 21 U.S.C. § 360j(n). Consequently, the Rule  
27 applies to both corrective and plano contact lenses.

## **COMPLAINT FOR CIVIL PENALTIES**

8. Under the Rule, contact lens sellers may sell contact lenses only in accordance with a contact lens prescription for the patient that is either presented to the seller or verified by direct communication with the prescriber. 16 C.F.R. § 315.5(a).

9. The Rule further requires contact lens sellers to maintain records of the contact lens prescriptions presented to the seller, the seller's verification requests, and direct communications from prescribers. 16 C.F.R. § 315.5(f).

10. Pursuant to Section 9(a) of the FCLCA, 15 U.S.C. § 7608(a), and Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice, in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

**DEFENDANT**

11. Defendant Lawrence L. Duskin owns and also does business through his websites at HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com. His principal place of business is in Kelseyville, CA. At all times material to this Complaint, Defendant has advertised, marketed, distributed, or sold plano contact lenses to consumers through the websites at HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com. In connection with the matters alleged herein, Defendant resides and transacts, or has transacted, business in this district.

12. At all times material to this Complaint, individually, or in concert with others, Defendant has formulated, directed, controlled, and participated in the acts and practices set forth in this Complaint.

## COMMERCE

13. The acts and practices of Defendant alleged in this Complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

## **DEFENDANT'S COURSE OF CONDUCT**

14. Since at least January 2014, Defendant has advertised and sold plano contact lenses to consumers through his websites, [www.HollywoodColorContacts.com](http://www.HollywoodColorContacts.com), [WorldColorContacts.com](http://WorldColorContacts.com), and

1 TopModelContacts.com.

2 15. Defendant has sold plano contact lenses to consumers without obtaining the consumers' contact lens prescriptions or verifying the prescriptions by direct communication with the prescribers.

3 16. Defendant has failed to maintain records of the consumers' contact lens prescriptions, Defendant's verification requests, or Defendant's direct communications from the contact lens prescribers.

4 **DEFENDANT'S VIOLATIONS OF THE CONTACT LENS RULE**

5 17. In numerous instances, in connection with the advertising and sale of plano contact lenses, Defendant has sold plano contact lenses to consumers without obtaining the consumers' contact lens prescriptions or verifying the prescriptions by direct communication with the prescribers in violation of Section 315.5(a) of the Contact Lens Rule, 16 C.F.R. § 315.5(a).

6 18. In numerous instances, in connection with the advertising and sale of plano contact lenses, Defendant has failed to maintain records of the consumers' contact lens prescriptions, the Defendant's verification requests, and Defendant's direct communications from the contact lens prescribers in violation of Section 315.5(f) of the Contact Lens Rule, 16 C.F.R. § 315.5(f).

7 **DEFENDANT'S VIOLATIONS OF THE FTC ACT**

8 19. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

9 20. Pursuant to Section 9(a) of the FCLCA, 15 U.S.C. § 7608(a), and Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice, in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

10 21. By and through the acts and practices described in Paragraphs 16-17 above, Defendant has violated Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

11 **THE COURT'S POWER TO GRANT RELIEF**

12 22. Defendant has violated the Rule as described above with the knowledge required by COMPLAINT FOR CIVIL PENALTIES

Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

23. Each sale of plano contact lenses that was completed from January 2014 through the filing of this Complaint, and each failure to maintain records for such sales, that violates the Rule in one or more of the ways described above, constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

24. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, and Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorize this Court to award monetary civil penalties of not more than \$41,484 for each such violation of the Rule.

25. Under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), this Court is authorized to issue a permanent injunction against Defendant's violations of the FTC Act, as well as such ancillary relief as may be just and proper.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff, pursuant to Sections 5(a)(1), 5(m)(1)(A), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), and 57b, and the Court's own equitable powers, requests that the Court:

(1) Enter a permanent injunction to prevent future violations of the FTC Act and the Contact Lens Rule by the Defendant;

(2) Award Plaintiff monetary civil penalties from Defendant for each violation of the Rule alleged in this Complaint; and

(3) Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

1 DATED this 6th day of December, 2018.

2 FOR THE UNITED STATES OF AMERICA:

3 JOSEPH H. HUNT  
4 Assistant Attorney General  
Civil Division

5 JAMES M. BURNHAM  
6 Deputy Assistant Attorney General

7 GUSTAV W. EYLER  
8 Acting Director

9 /S/  
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20 FOR THE FEDERAL TRADE  
21 COMMISSION:

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20 *Attorneys for Plaintiff*

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 EUREKA DIVISION

24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 v.

27 LAWRENCE L. DUSKIN, individually, and also  
28 doing business as HollywoodColorContacts.com,  
WorldColorContacts.com, and  
TopModelContacts.com,  
Defendant.

Case No. 1:18-cv-7359

**[Proposed] STIPULATED ORDER FOR  
CIVIL PENALTIES, PERMANENT  
INJUNCTION, AND OTHER RELIEF**

29 Plaintiff, the United States of America, acting upon notification and on behalf of the Federal  
30 Trade Commission (“Commission”), filed its Complaint for Civil Penalties, Permanent Injunction, and  
31 Other Equitable Relief, (“Complaint”), pursuant to Sections 5(a)(1), 5(m)(1)(A), 13(b), 16(a)(1), and 19  
32 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), 56(a)(1),  
33

1 and 57b. Defendant has waived service of the summons and the Complaint. Plaintiff and Defendant  
2 stipulate to the entry of this Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief  
3 (“Order”) to resolve all matters in dispute in this action between them.

4 THEREFORE, IT IS ORDERED as follows:

5 **FINDINGS**

6 1. This Court has jurisdiction over this matter.  
7  
8 2. The Complaint states a claim upon which relief may be granted against Defendant under  
9 Sections 9(a) and 9(b) of the Fairness to Contact Lens Consumers Act (“FCLCA”), 15 U.S.C. §§  
10 7608(a) and (b), and Sections 5(a)(1), 5(m)(1)(A), 13(b), 16(a), and 19(a)(1) of the Federal Trade  
11 Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), 56(a), and 57b(a)(1).

12 3. Defendant neither admits nor denies any of the allegations in the Complaint, except as  
13 specifically stated in this Order. Only for purposes of this action, Defendant admits the facts necessary  
14 to establish jurisdiction.

15 4. Defendant waives any claim that he may have under the Equal Access to Justice Act, 28  
16 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to  
17 bear his own costs and attorney fees.

18 5. Defendant and Plaintiff waive all rights to appeal or otherwise challenge or contest the  
19 validity of this Order.

20 **ORDER**

21 **DEFINITIONS**

22 For the purpose of this Order, the following definitions apply:

23 1. **“Contact lens”** means any contact lens for which State or Federal law requires a  
24 prescription.

25 2. **“Defendant”** means Lawrence L. Duskin, individually, and also doing business as  
26 HollywoodColorContacts.com, WorldColorContacts.com, TopModelContacts.com, and any

1 combination of the foregoing.

2 **I. BAN ON SELLING CONTACT LENSES**

3 **IT IS ORDERED** that Defendant is permanently restrained and enjoined from  
4 advertising, marketing, promoting, dispensing, or selling, or assisting others in advertising, marketing,  
5 promotion, dispensing, or selling, contact lenses.

6 **II. MONETARY JUDGMENT FOR CIVIL PENALTY AND PARTIAL SUSPENSION**

7 **IT IS FURTHER ORDERED that:**

8 A. Judgment in the amount of \$575,000 is entered in favor of Plaintiff against Defendant as a  
9 civil penalty, pursuant to Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

10 B. Defendant is ordered to pay to Plaintiff, by making payment to the Treasurer of the United  
11 States, \$60,000 which, as Defendant stipulates, his undersigned counsel holds in escrow for  
12 no purpose other than payment to Plaintiff. Such payment must be made within 7 days of  
13 entry of this Order by electronic fund transfer in accordance with instructions previously  
14 provided by a representative of Plaintiff. Upon such payment, the remainder of the judgment  
15 is suspended, subject to the Subsections below.

16 C. The Commission and Plaintiff's agreement to the suspension of part of the judgment is  
17 expressly premised upon the truthfulness, accuracy, and completeness of Defendant's sworn  
18 financial statements and related documents (collectively, "financial representations")  
19 submitted to the Commission, namely:

20 1. Financial Statement of Defendant signed on February 9, 2018, including the attachments;

21 2. Additional documentation submitted from Defendant's counsel on June 4, 2018 and June  
22 7, 2018, including a letter from Defendant's tax preparer and 1099-R forms from 2014 and  
23 2017;

24 3. Additional documentation submitted from Defendant's counsel on June 18, 2018,  
25 including Defendant's 2017 tax returns; 1099-R forms from 2014, 2015, 2016 and 2017; and

1 brokerage account statements dated 1/1/2018 to 3/3/2018 and for 4/1/2018 to 4/30/2018; and

2 4. Additional documentation submitted from Defendant's counsel on June 25, 2018,  
3 consisting of a letter dated June 8, 2018.

4 D. The suspension of the judgment will be lifted if, upon motion by the Commission or Plaintiff,  
5 the Court finds that Defendant failed to disclose any material asset, materially misstated the  
6 value of any asset, or made any other material misstatement or omission in the financial  
7 representations identified above.

8 E. If the suspension of the judgment is lifted, the judgment becomes immediately due in the  
9 amount specified in Subsection A. above (which the parties stipulate only for purposes of this  
10 Section represents the amount of civil penalty for the violations alleged in the Complaint,  
11 less any payment previously made pursuant to this Section, plus interest computed from the  
12 date of entry of this Order.

13 **III. ADDITIONAL MONETARY PROVISIONS**

14 **IT IS FURTHER ORDERED that:**

15 A. Defendant relinquishes dominion and all legal and equitable right, title, and interest in all  
16 assets transferred pursuant to this Order and may not seek the return of any assets.

17 B. The facts alleged in the Complaint will be taken as true, without further proof, in any  
18 subsequent civil litigation by or on behalf of the Commission, including in a proceeding to  
19 enforce its rights to any payment or monetary judgment pursuant to this Order.

20 C. Defendant agrees that the judgment represents a civil penalty owed to the government of the  
21 United States, is not compensation for actual pecuniary loss, and, therefore, as to the  
22 Defendant, it is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. §  
23 523(a)(7).

1 D. Defendant acknowledges that his Taxpayer Identification Numbers (Social Security Numbers  
2 or Employer Identification Numbers), which Defendant previously submitted to the  
3 Commission, may be used for collecting and reporting on any delinquent amount arising out  
4 of this Order, in accordance with 31 U.S.C. § 7701.

5 **IV. ORDER OF ACKNOWLEDGMENT**

6 **IT IS FURTHER ORDERED** that Defendant obtain acknowledgments of receipt of this

7 Order:

8 A. Defendant, within 7 days of entry of this Order, must submit to the Commission an  
9 acknowledgment of receipt of this Order sworn under penalty of perjury;

10 B. For 5 years after entry of this Order, Defendant, for any business for which he is the majority  
11 owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all  
12 principals, officers, directors, and LLC managers and members; (2) all employees having  
13 managerial responsibilities for conduct related to the subject matter of the Order and all  
14 agents and representatives who participate in conduct related to the subject matter of the  
15 Order; and (3) any business entity resulting from any change in structure as set forth in the  
16 Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this  
17 Order for current personnel. For all others, delivery must occur before they assume their  
18 responsibilities.

19 C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant  
20 must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

21 **V. COMPLIANCE REPORTING**

22 **IT IS FURTHER ORDERED** that Defendant make timely submissions to the Commission:

23 A. One hundred and eighty days after entry of this Order, Defendant must submit a compliance  
24 report, sworn under penalty of perjury, that:

1. Identifies all telephone numbers and all physical, postal, email and Internet addresses, including all residences;
2. Identifies all business activities, including any business for which Defendant performs services whether as an employee or otherwise and any entity in which Defendant has any ownership interest; and
3. Describes in detail Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;
4. Identifies the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Plaintiff may use to communicate with Defendant;
5. Identifies all of Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
6. Describes the activities of each business, including the goods and services offered, and the means of advertising, marketing, and sales;
7. Describes in detail whether and how Defendant is in compliance with each Section of this Order; and
8. Provides a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

For 20 years after entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Any designated point of contact;
2. The structure of any entity that Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or

1 affiliate that engages in any acts or practices subject to this Order;

2 3. Name, including aliases or fictitious name, or residence address; and

3 4. Title or role in any business activity, including any business for which Defendant

4 performs services whether as an employee or otherwise and any entity in which

5 Defendant has any ownership interest, and identify the name, physical address, and any

6 Internet address of the business or entity.

7

8 C. Defendant must submit to the Commission notice of the filing of any bankruptcy petition,

9 insolvency proceeding, or similar proceeding by or against him within 14 days of its filing.

10 D. Any submission to the Commission required by this Order to be sworn under penalty of

11 perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding:

12 “I declare under penalty of perjury under the laws of the United States of America that the

13 foregoing is true and correct. Executed on: \_\_\_\_\_” and supplying the date, signatory’s full

14 name, title (if applicable), and signature.

15 E. Unless otherwise directed by a Commission representative in writing, all submissions to the

16 Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight

17 courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of

18 Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW,

19 Washington, DC 20580. The subject line must begin: United States v. Lawrence L. Duskin,

20 [INSERT X NUMBER].

21

## 23 VI. RECORDKEEPING

24 **IT IS FURTHER ORDERED** that Defendant must create certain records for 20 years after

25 entry of the Order, and retain each such record for 5 years. Specifically, Defendant for any business for

26 which he is a majority owner or controls directly or indirectly, must create and retain the following

27 records:

28

- 1 A. Accounting records showing the revenues from all goods or services sold;
- 2 B. Personnel records showing, for each person providing services, whether as an employee or
- 3 otherwise, that person's: name; addresses; telephone numbers; job title or position; dates
- 4 of service; and (if applicable) the reason for termination;
- 5 C. Records of all consumer complaints and refund requests concerning the subject matter of
- 6 the Order, whether received directly or indirectly, such as through a third party, and any
- 7 response;
- 8 D. Copies of all unique sales scripts, training materials, advertisements, or other marketing
- 9 materials for contact lenses; and
- 10 E. All records necessary to demonstrate full compliance with each provision of this Order,
- 11 including all submissions to the Commission.

## 13                   **VII. COMPLIANCE MONITORING**

14                   **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant's compliance with  
15 this Order:

- 16 A. Within 14 days of receipt of a written request from a representative of the Commission or  
17 Plaintiff, Defendant must: submit additional compliance reports or other requested  
18 information, which must be sworn under penalty of perjury; appear for depositions; and  
19 produce documents for inspection and copying. The Commission and Plaintiff are also  
20 authorized to obtain discovery, without further leave of court, using any of the procedures  
21 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),  
22 31, 33, 34, 36, 45, and 69.
- 23 B. For matters concerning this Order, the Commission or Plaintiff is authorized to  
24 communicate directly with Defendant. Defendant must permit representatives of the  
25 Commission and Plaintiff to interview any employee or other person affiliated with  
26  
27  
28

1                   Defendant who has agreed to such an interview. The person interviewed may have counsel  
2                   present.

3                   C. The Commission and Plaintiff may use all other lawful means, including posing, through  
4                   its representatives as consumers, suppliers, or other individuals or entities, to Defendant or  
5                   any individual or entity affiliated with Defendant, without the necessity of identification or  
6                   prior notice. Nothing in this Order limits the Commission's lawful use of compulsory  
7                   process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

8                   D. Upon written request from a representative of the Commission or Plaintiff, any consumer  
9                   reporting agency must furnish consumer reports concerning Defendant, pursuant to Section  
10                   604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

12                   **VIII. RETENTION OF JURISDICTION**

13                   **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for purposes of  
14                   construction, modification, and enforcement of this Order.

16                   **SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

20                   \_\_\_\_\_  
21                   ROBERT M. ILLMAN  
22                   UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28

1 **SO STIPULATED AND AGREED:**

2 **FOR DEFENDANT:**

3   
4 KAVON ALDI, ESQ.  
5 SETH W. WIENER ESQ.  
6 The Internet Law Group  
7 609 Karina Court  
8 San Ramon, CA 94582  
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12 kavon@tilg.us, seth@tilg.us  
13 Counsel for Lawrence L. Duskin

14 **DEFENDANT:**

15   
16 LAWRENCE L. DUSKIN

17 **FOR PLAINTIFF UNITED STATES OF  
18 AMERICA:**

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21 Civil Division

22 JAMES M. BURNHAM  
23 Deputy Assistant Attorney General

24 GUSTAV W. EYLER  
25 Acting Director

26 /S/

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15 **FOR FEDERAL TRADE COMMISSION:**

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## CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

The United States of America

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
See attachment

## DEFENDANTS

LAWRENCE L. DUSKIN, individually, and also doing business as HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY) Lake County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See attachment

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	1	Incorporated or Principal Place of Business In This State	4
Citizen of Another State	2	Incorporated and Principal Place of Business In Another State	5
Citizen or Subject of a Foreign Country	3	Foreign Nation	6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	690 Other	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/ Pharmaceutical Personal Injury Product Liability		400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability			430 Banks and Banking
151 Medicare Act	340 Marine			450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability			460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle			470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability			480 Consumer Credit
190 Other Contract	360 Other Personal Injury			490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury -Medical Malpractice	385 Property Damage Product Liability		850 Securities/Commodities/ Exchange
196 Franchise				<input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		891 Agricultural Acts
210 Land Condemnation	440 Other Civil Rights	<b>HABEAS CORPUS</b>	861 HIA (1395ff)	893 Environmental Matters
220 Foreclosure	441 Voting	463 Alien Detainee	862 Black Lung (923)	895 Freedom of Information Act
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	896 Arbitration
240 Torts to Land	443 Housing/ Accommodations	530 General	864 SSID Title XVI	899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	445 Amer. w/Disabilities– Employment	535 Death Penalty	865 RSI (405(g))	950 Constitutionality of State Statutes
290 All Other Real Property	446 Amer. w/Disabilities–Other	<b>OTHER</b>		
	448 Education	540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District (specify)	6 Multidistrict Litigation–Transfer	8 Multidistrict Litigation–Direct File
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## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. §§ 7601-7610; 16 C.F.R. 315; and 15 U.S.C. §45

Brief description of cause:

Selling of contact lenses without obtaining consumers' prescriptions.

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$ 60,000.00

Permanent Injunction

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes  NoVIII. RELATED CASE(S),  
IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)  
(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

 EUREKA-MCKINLEYVILLE

DATE 12/06/2018

SIGNATURE OF ATTORNEY OF RECORD

## ATTACHMENT

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United States District Court  
Northern District of California